

**CS FOR SENATE BILL NO. 3006(L&C) am**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**THIRTY-SECOND LEGISLATURE - THIRD SPECIAL SESSION**

**BY THE SENATE LABOR AND COMMERCE COMMITTEE**

**Amended: 9/10/21**

**Offered: 9/9/21**

**Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to COVID-19 immunization and proof of vaccination; relating to**  
2   **personal objections to the administration of COVID-19 vaccines; relating to COVID-19**  
3   **immunization rights; relating to utilization review requirements; making temporary**  
4   **changes to state law in response to the novel coronavirus disease; relating to**  
5   **telemedicine and telehealth; relating to background checks; relating to certificates of**  
6   **need; and providing for an effective date."**

7   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8       **\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
9   to read:

10       PURPOSE. The purpose of this Act is to provide for mitigation measures that enhance  
11   the state's ongoing efforts to reduce the spread of the novel coronavirus disease (COVID-19).

12       **\* Sec. 2.** AS 18.09 is amended by adding new sections to read:

13                   **Article 2A. COVID-19 Immunization Rights.**

1           **Sec. 18.09.270. Proof of vaccination.** A person who requires an individual to  
 2 show proof of vaccination against the novel coronavirus disease (COVID-19) shall  
 3 accept evidence that the individual has antibodies against COVID-19 as satisfying the  
 4 vaccination requirement. That evidence shall include but not be limited to a  
 5 documented positive antibody test or a documented COVID-19 test.

6           **Sec. 18.09.280. Personal objections to the administration of COVID-19**  
 7 **vaccines.** An individual may object to the administration of a COVID-19 vaccine  
 8 based on religious, medical, or other grounds. A parent or guardian of a minor child  
 9 may object to the administration of a COVID-19 vaccine to the minor child based on  
 10 religious, medical, or other grounds. A person may not require an individual to  
 11 provide justification or documentation to support the individual's decision to decline a  
 12 COVID-19 vaccine or to decline a COVID-19 vaccine for a minor child.

13           **Sec. 18.09.290. Access to areas and services.** A business, state agency, or  
 14 political subdivision of the state may not require an individual to be vaccinated against  
 15 COVID-19 for the individual to access an area or service that is open to the public. In  
 16 this subsection, "business" has the meaning given in AS 18.35.399.

17           **Sec. 18.09.300. Exercise of rights and access to benefits.** A state agency or  
 18 political subdivision of the state may not adopt or issue a regulation, ordinance, order,  
 19 or similar policy that requires an individual to be vaccinated against COVID-19 for the  
 20 individual to exercise a right or receive a benefit that is available to the public.

21           **Sec. 18.09.310. Definition.** In AS 18.09.270 – 18.09.290, "COVID-19" means  
 22 the novel coronavirus disease caused by the severe acute respiratory syndrome  
 23 coronavirus 2 (SARS-CoV-2).

24   \* **Sec. 3.** AS 21.06.080 is amended by adding a new subsection to read:

25           (f) During a recognized federal or state public health disaster or emergency,  
 26 the director may order health care insurers to waive utilization review requirements,  
 27 including preauthorization requirements for medical services, concurrent review for  
 28 inpatient hospital services, retrospective review of inpatient and outpatient services,  
 29 emergency services and payment of claims, and requirements for placements of policy  
 30 holders in postacute facilities. In this subsection, "utilization review" has the meaning  
 31 given in AS 21.07.250.

1     \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3           TELEMEDICINE AND TELEHEALTH. (a) Notwithstanding any other provision of  
4 law, the provisions of AS 08.64.170 and AS 08.68.160 do not apply to a health care provider  
5 that is providing treatment, rendering a diagnosis, or prescribing, dispensing, or administering  
6 a prescription, excluding a controlled substance listed in AS 11.71.140 - 11.71.190, through  
7 telehealth as defined in AS 47.05.270(e), without first conducting an in-person physical  
8 examination, if

9           (1) the health care provider is licensed, permitted, or certified to provide  
10 health care services in another jurisdiction and is in good standing in the jurisdiction that  
11 issued the license, permit, or certification;

12           (2) the health care services provided without an in-person physical  
13 examination are within the health care provider's authorized scope of practice in the  
14 jurisdiction that issued the health care provider's license, permit, or certification;

15           (3) in the event that the health care provider determines that the encounter will  
16 extend beyond the scope of practice or scope of services described in this section, the health  
17 care provider advises the patient that the health care provider is not authorized to provide the  
18 services to the patient, recommends that the patient contact a health care provider licensed in  
19 the state, and terminates the encounter.

20           (b) The amount charged by a health care provider for services provided under this  
21 section must be reasonable and consistent with the ordinary fees typically charged for that  
22 service and may not be more than the ordinary fees typically charged for that service. A health  
23 care provider that is required to terminate an encounter under (a)(3) of this section may not  
24 charge for any services provided during the encounter.

25           (c) In this section, "health care provider" has the meaning given in AS 18.15.395 and  
26 includes a person that provides behavioral health care services.

27     \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29           BACKGROUND CHECKS; APPLICABILITY. Notwithstanding any other provision  
30 of law, a hospital or nursing facility may employ a person without obtaining a background  
31 check from the Department of Health and Social Services if the hospital or nursing facility

1           (1) provides sufficient information to the Department of Health and Social  
2 Services attesting to the hiring process for each person employed at the facility and confirms  
3 that a background check has been conducted as part of the hiring process; and

4           (2) not later than July 1, 2022, obtains a background check from the  
5 Department of Health and Social Services for each person hired by the hospital or nursing  
6 facility between the effective date of this Act and July 1, 2022.

7       \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9           **WAIVER OF CERTIFICATE OF NEED REQUIREMENTS.** Notwithstanding any  
10 other provision of law, a person is not required to obtain a certificate of need under AS 18.07  
11 for an expenditure that is made between the effective date of this Act and June 30, 2022

12       \* **Sec. 7.** Sections 4 and 5 of this Act are repealed July 1, 2022.

13       \* **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).